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PATENT  
ATTORNEY DOCKET NO.: 044574-5098

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Dario C. ALTIERI *et al.*

Application No.: 10/042,302

Filed: January 11, 2002

FOR: DETECTION OF SURVIVIN IN THE  
BIOLOGICAL FLUIDS OF CANCER  
PATIENTS

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) Group Art Unit: 1642  
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) Examiner: Alana M. Harris  
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Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT (FEE) TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action  
dated July 16, 2004.

2. Additional papers enclosed:

☒ Combined Declaration and Power of Attorney executed by Victor A. Morris,  
heir of deceased inventor Sharon D. Smith

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input checked="" type="checkbox"/> one month	\$110.00	<b>\$ 55.00</b>
<input type="checkbox"/> two months	\$430.00	\$215.00
<input type="checkbox"/> three months	\$980.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00
<input type="checkbox"/> five months	\$2,080.00	\$1,040.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$55.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16) (SMALL ENTITY)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	38	minus	42	0	x \$18/\$9 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	5	minus	5	0	x \$88/\$44 each=	\$ 0.00
First presentation of Multiple dependent claim(s):					\$300/\$150	\$ 0.00
SUB-TOTAL =						\$ 0.00
Fee for <u>1</u> Month Extension of Time						\$ 55.00
TOTAL FEE =						\$ 0.00

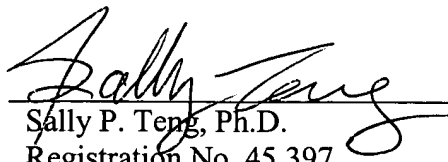
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$55.00 to Deposit Account No. 50-0310 for One-Month Extension of Time Fee (Small Entity).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: November 16, 2004  
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